REMARKS

This Amendment is submitted in response to the outstanding Office Action, dated August 10, 2005. Claims 1, 8 and 14 are proposed for amendment herein. Claims 1-20 are presently pending in the above-identified application.

Rejection of Claims 1-20 under 35 USC § 102(e)

The Office Action rejected originally filed claims 1-20 under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,889,209 issued to M. Rabin et al. (hereinafter "Rabin"). Applicants have amended certain ones of the claims herein to more particularly claim the various aspects of the invention, and respectfully submit that each of the currently pending claims is patentably distinct from Rabin for at least the reasons set forth hereinbelow.

More particularly, the various aspects of the present invention are directed to a method and apparatus that allows for the investigative tracing of computer generated documents, but prevents unauthorized third parties from determining the identity of other users and from framing other users. That is, the aspects of the invention are directed towards identifying and tracing the source of a computer generated document thereby enabling authorized third parties (e.g., law enforcement) to investigate the source of documents (e.g., documents carrying a virus) which are the cause, for example of some attack on a computer network (see, e.g., Applicants' Specification, page 10, lines 6-22; page 5, lines 6-31; and page 7, lines 13-18). In accordance with the aspects of the invention, documents are tagged with a value that results from performing a cryptographic function on a function of the document (e.g., hash function) and a unique identifier stored in the processor of the system that creates the document. The use of cryptographic techniques makes it impossible for a third party who possesses the tag to determine the identity of the document creator (i.e., the source) solely from information found in the tag. Instead, in order to determine the source of the document, the third party must also be in possession of a so-called processor associator that is associated with the processor identifier used in the cryptographic function.

Importantly, as set forth in the amended independent claims herein, the authorized third party is unassociated with, and independent from, the creation of the created document by the computer system, as to which the source is desired and identified in accordance with the claimed invention. Thus, the third party possessing the document, the attached identification tag thereto, and a database (or access to) of existing processor identifiers may trace the source of the document, however, "unauthorized" third parties cannot identify the identity of others and will be unable to "frame" other users (see, e.g., Applicants' Specification, page 2, lines 14-15).

Applicants have amended the originally filed independent claims to more particularly claim the above-described aspects of the invention. For example, amended independent claims 1 recites:

"A method for operation of a computer system for identification tagging a document created by said computer system comprising the steps of:

calculating a function of the document;

creating an identification tag by performing a cryptographic function on said function of the document and a unique processor identifier associated with said computer system, said cryptographic function producing an identification tag having the characteristics that a third party, said third party being unassociated with, and independent from, the creation of said created document by said computer system, possessing said document, said identification tag, and a plurality of unique processor associators each having a relationship to an associated one of a plurality of processor identifiers, can determine said computer system which created said document; and

attaching said identification tag to said document." (Emphasis added by Applicants)

Each of the currently pending independent claims has been amended in a similar fashion as the above-referenced amended claim 1 to contain similar limitations directed to the above-described features of the invention.

It is at least the above-described aspects of Applicants' invention that stand in contrast to Rabin. More particularly, Applicants' understand Rabin to teach a method

and apparatus for <u>software</u> <u>security</u>, in particular, a technique for protecting the software vendor's rights in the software and for protecting a purchaser (owner) rights in such software after purchase from the vendor. Rabin describes various embodiments of his system in terms of software security, for example, "a method for purchasing software is presented…" (see, Rabin, column 4, line 55), "a method for decommissioning a copy of software…" (see, Rabin, column 5, line 14), "a method for supervising usage of software on a user device…" (see, Rabin, column 5, line 37), "a method of examining a copy of software used in a user device…" (see, Rabin, column 7, line 51-52), and "a method for allowing use of a copy of software having a tag on a user device…" (see, Rabin, column 8, line 35-36). <u>Again</u>, however, Applicants understand Rabin's technique to be directed mechanisms for ensuring that a copy of software stored in a user device is an authorized copy of such software (see, e.g., Rabin, column 12, lines 38-40; and column 2, line 66 through column 3, line 9) and <u>not</u> identifying the <u>source</u> of a created <u>document</u> by an independent, unaffiliated <u>third party</u>.

That is, Rabin's technique is <u>not</u> addressing and does not teach a technique for tracing the source of a computer generated document. Thus, Applicants respectfully submit that Rabin's teaching stand in <u>contrast</u> to the present invention which, pursuant to the amended claims herein, provides for the <u>investigative</u> <u>tracing</u> of computer generated documents, but <u>prevents</u> unauthorized third parties from determining the <u>identity</u> of other users and from framing other users. That is, the aspects of the invention are directed towards <u>identifying</u> and <u>tracing</u> the <u>source</u> of a computer generated document thereby enabling authorized <u>third parties</u> (e.g., law enforcement) to investigate the <u>source</u> of documents (e.g., documents carrying a virus or other destructive items) which are the cause, for example of some attack on a computer network. While it is true that an element of Rabin's technique, similar to Applicants' claimed invention, is directed at preserving the privacy of purchasers/users/renters of the purchased software his teachings do not teach or suggest Applicants' claimed invention which is directed at a completely different problem, that is, identifying the <u>source</u> of a computer generated document by an independent, unaffiliated third party having no connection with the generation/sourcing of the document. For example, as set forth in the amended claims herein, the authorized

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third party possessing the document, the attached identification tag thereto, and a database (or access to) of existing processor identifiers is unassociated with, and independent from, the creation of the created document by the computer system, as to which the source is desired and identified in accordance with the claim invention. Nothing in Rabin teaches or suggests this aspect of the claimed invention heron.
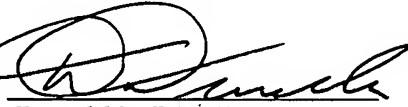
Regarding the rejection of each of the presently pending dependent claims these claims depend ultimately from one of the pending amended independent claims herein that Applicants submit are patentably distinct over Rabin for the aforesaid reasons. Thus, the dependent claims herein contain all the limitations of the pending amended independent claims from which they depend, and Applicants respectfully submit that these dependent claims are also patentably distinct over Rabin for the aforesaid reasons, as well as other elements these claims add in combination to their base claim.

In view of the foregoing, Applicants respectfully submit that each of the currently pending claims, as amended, are patentably distinct from and over Rabin, and, therefore, respectfully submit that each of the currently pending claims in the application is in condition for allowance and reconsideration is requested. Favorable action is respectfully requested.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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